IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 448 OF 2006

Shri Mahesh Shashikant Halwai ...Applicant.

V/s

The State of Maharashtra
(At the instance of Miraj
Rural Police Station,
District - Sangli) ...Respondent.

Mr. Amit Sale for the applicant.

Mr. Rajesh More, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 20TH FEBRUARY, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R. No.123 of 2005 for the offence punishable under sections 376(g), 109, 506 read with section 34 of the Indian Penal Code and it is alleged that the applicant and one other co-accused committed rape on the prosecutrix. The charge-sheet has been filed.

3. A perusal of the certificate indicates that there are no injuries on the person of the prosecutrix or on her private parts. The Chemical Analyser's report has not been received. There is a delay in filing the

complaint. The age of the prosecutrix, according to the School Leaving Certificate was 15 years and according to the ossification test, it is between 14 and 16 years. In the present case, charge-sheet has been filed and the only evidence against the applicant is that of the prosecutrix. There is a delay in filing the complaint. It is alleged by the applicant that there was a political rivalry between the family of the applicant and that of the prosecutrix. The applicant has a fixed place of residence and is not likely to abscond. Under the circumstances, the applicant is entitled to be released on bail.

4. The applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. The applicant to report to Miraj Rural Police Station, District Sangli once in a week till the disposal of the trial.

5. It is made clear that if any attempt is made to threaten the witness or tamper with the evidence, the Public Prosecutor is at liberty to file an application for cancellation of bail and the bail, in such a case, is liable to be cancelled.

6. The application is accordingly disposed of.

V.M. KANADE, J.